IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10051 of 2004

Between:

1 Marriboina Venkata Subbaiah, S/o. Nadipi Subbanna,
R/o. Maduri Village, Chapadu Mandal, Kadapa District.
2 Katam Lakshmidevi, W/o. Veeraswamy,
R/o. Chinnavadaipalle Village, Chapadu Mandal, Kadapa District.
3 S. Venkata Subbaiah, S/o. Usanna,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
4 Panditi Chinna Ganganna, @ Nalgava Ganganna, S/o. Peddanna,
R/o. Chinnavadayapalle Village, Chapadu Mandal, Kadapa District.
5 Danigela Pedda Veerabhadrudu, S/o. Chinna Veeranna,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
6 Mandagolla Chinna Munaiah, S/o. Muni Subbaiah,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
7 Panditi Narayana, S/o. Peddanna,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
8 Panditi Ganganna, S/o. Paddu Gunganna,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
9 Marriboina Lakshmamma, W/o. Pedda Pullaiah,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
10 Smt. Marriboina Subbalakshamma, W/o. Subbarayudu,
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
11 Ramamaboina Subrahmanyam W/o. R. Pedda Venkata Subbaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
12 Kullu Sanjeevarayudu @ Sanjanna S/o. Sanjanna
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.

13 Mandagolle Muni Subbaiah W/o. Pedda Munaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
14 N. Naruboina Gurrappa S/o. Sanjanna
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
15 Marriboina Vasudavudu S/o. Obaiah
R/o. Maduri Village, Chapadu Mandal, Kadapa District.
16 Veeraboina Subbamma S/o. Subbaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
17 Danigela Chinna Veerabhadrudu S/o. Chinna Veeranna

R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
18 Uppalapati Ramachandra Reddy S/o. Venkata Reddy
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
19 Chelluboina Ramakrishna S/o. Chinna Rama Subbanna
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
20 Mandagelle Pedda Munaiah S/o. Muni Subbaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
21 Sarukolla Usanna @ Subbanna S/o. Tirupelu
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
22 Ramanaboina Surendra S/o. Pedda Venkata Subbaiah
R/o. Maduri Village, Chapadu Mandal, Kadapa District.
23 Marriboina Obulesu S/o. Dela Obaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
24 Katam Subbrayudu S/o. Chowaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
25 Mandagolla Venkata Subbamma W/o. Muni Subbaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
26 Mandagella Lakshmamma W/o. Bala Manaiah
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
27 Panditi Nadipi Ganganna S/o. Peddanna
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.
28 Vazzela Subbenna S/o. Santenna
R/o. Chinnavadayapalli Village, Chapadu Mandal, Kadapa District.

..... PETITIONERS

AND

1 Sri Narayana Rangaiahgari aChoultlry rep. by its Trustee, now being rep. by its Manager, Proddatur, Kadapa District 516360
2 Sri Narayana Rangaiahgari Choultry rep by its Executive Officer, Group I Temples, Proddatur, Kadapa District - 516 360.
3 The Assistant Commissioner, Endowments Department, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order in the nature of writ of Mandamus declare the action of the respondents in evicting the petitioners from the agricultural lands admeasuring Ac. 33.95 cents covered by Sy.NOS. 113/1, 113/2, 158, 158/1, 165/A2, 166/1, 114, 157, 172/1B 150/2 and 168 of Maduri Village, Chapadu Mandal, Kadapa District without following the procedure as contemplated under the provisions of A.P. Charitable and Hindu Religious Institutions Endowments Act, 1987 and the rules made thereunder, as illegal, unjust and violative of articles 14,21 and 300-A of the constitution of India, and consequently direct the respondents not to evict the petitioners from the subject lands without following the due process of law.

Counsel for the Petitioner: MR.B.VENKAT RAMA RAO, Advocate

Counsel for Respondent Nos.1&2:Mr. V.Venugopala Rao, Advocate

Counsel for the Respondent No.3: GP FOR ENDOWMENTS

The Court made the following :

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 10051 of 2004

ORAL ORDER:

This Writ Petition is filed by the petitioners, who are 28 in number, claiming to be the tenants of the 1st respondent institution, aggrieved by the action of the respondents in proposing to evict them from the agricultural lands without following the procedure as contemplated by law.

2. The petitioners are claiming to be in possession of an extent of Ac.33-95 cents, covered by Sy.Nos.113/1, 113/2, 158, 158/1, 165/A2, 166/1, 114, 157, 172/1B, 150/2 and 168 of Maduri village, Chapadu Mandal, Kadapa district. According to the petitioners, the respondents without following the provisions of A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (hereinafter referred to as 'the Act') and the Rules made thereunder have proposed to hold auction of the leasehold rights in respect of the above extent of land, and accordingly issued a public auction notice dated 10.06.2004 to hold the same on 19.06.2004. Therefore, the petitioners have come up with the present writ petition aggrieved by the said action of the respondents.

3. This Court, while ordering notice before admission, granted stay of auction on 18.6.2004.

4. A counter has been filed on behalf of the 1st respondent disputing and denying the allegations made by the petitioners. Though it is admitted by the respondents that the petitioners are in possession of the property, but it is stated that they have not been paying any rent, thereby disputing the claim of the petitioners that they have paid Rs.10,000/- each to the 1st respondent.

5. The learned Standing Counsel for Respondent No.1 also, at the time of hearing, stated that the petitioners have not been paying any rent for the last so many years,

and therefore, there is no justification to grant any relief in favour of the petitioners. At the time of hearing, however, it has been fairly conceded by the learned Standing Counsel that no notice was issued to the petitioners intimating about the auction of the leasehold rights.

6. Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments appearing for the respondent No.3, and the learned Standing Counsel for respondents 1 and 2, and considered the material on record. In view of the above stated facts, the Writ Petition is disposed of at the admission stage.

7. Admittedly, the petitioners are in possession of the above specified extent of Ac.33.95 cents of land, which the petitioners are claiming to be the tenants of the said land. Though the respondents strictly did not dispute the tenancy or possession of the petitioners, but they contend that the petitioners are not paying any rents since long time, and therefore, they are not entitled for any relief. In any case, as admittedly no notice has been issued to the petitioners proposing to take possession of the land or to conduct any enquiry, as contemplated under the provisions of the Act and the Rules made thereunder in G.O.Ms.No.373, it is proper to direct the respondents to take appropriate action in accordance with law. Without recourse to the provisions of law, the respondents are not entitled to evict the petitioners by conducting public auction of the leasehold rights. If the respondents issue notice of eviction to the petitioners, it is always open to the petitioners to seek appropriate relief for adjudication of the claim before the appropriate authority. If such a claim is made either after issuance of the notice or even before it, it is appropriate to the 3rd respondent to adjudicate upon the said issue and whether the petitioners are landless poor and are entitled to the benefits of the provisions of the Act and the Rules made thereunder or not.

8. The Writ Petition is disposed of with the above observations.

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S.Ananda Reddy,J.

Dt. 05.07.2004

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Sd/- ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Commissioner, Endowments Department, Kadapa.
2. The Trustee/Manager, Sri Narayana Rangaiahgari Choultlry, Proddatur,Kadapa District – 516360;
3. The Executive Officer, Sri Narayana Rangaiahgari Choultry, Group I Temples, Proddatur, Kadapa District - 516 360.
4. Two CCs. To the G.P. for Endowments, High Court of A.P., Hyderabad (OUT)
5. Two CD Copies.

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 10051 of 2004

ORAL ORDER

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